IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 637 (M/B) 2003

Dr. Chandra Veer Singh ----- Petitioner

Vs.

State of Uttaranchal,
and others -----Respondents.

....

Hon'ble P.C. Verma, J.
Hon'ble Irshad Hussain, J.

By means of this writ petition, the petitioner has prayed for a writ of certiorari to quash the admission procedure adopted by the Respondent No. 3 & 4 for the admission to post graduate courses (MD/MS/Diploma) in the respondent No. 4 Institute for the year 2003 and writ of mandamus commanding the Respondents to formulate a Regulatory Authority/Body, to oversee and regulate the admission procedure particularly in respect of making admission in management quota and capitation fee and further direct the respondents to ensure all admissions are made in transparent manner based on merit through Competitive Entrance Examination.

Heard Ms. Menka Tripathi holding brief of Mrs. T. Punwani, learned counsel for the petitioner, Sri J.P. Joshi, learned counsel for the respondent No.3 and Sri V.K. Kohli, learned counsel for the respondent No.4 and 5.

The issue raised in the writ petition and relief prayed for, have been considered by the Constitution Bench of Hon'ble Supreme Court in Writ Petition (Civil) No. 350 of 1993 – Islamic Academy of Education and another Vs. State of Karnataka and others and the Hon'ble Supreme Court observed that " We now direct that the respective State Governments do appoint a permanent Committee which will ensure that the tests conducted by the association of colleges is fair and transparent. For each State, a separate Committee shall be formed....." The Apex Court further clarified that so far as the year 2003-2004 is concerned, time is running out as the

outer time limit for admission is fast approaching or has gone. To meet the urgent situation without going into the issues involved in the various petitions/applications, we direct that the seats be filed up by the institution and the State Governments in the ratio 50:50. However, if by any interim order, this Court has permitted any institution to fill up a higher percentage of seats and the seats have been filled up accordingly, the same shall not be disturbed." The Apex Court has further made clear that due to the time constraint this arrangement has been made, without deciding the contentious issue involved in various pending cases.

In view of the aforesaid direction given by the Apex Court under Article 142 of the Constitution of India and in view of the clarification made by the Constitution Bench of Apex Court the petition has become infructuous and is liable to be dismissed as such. The relief sought in the writ petition, has been granted by the Apex Court.

In view of the above statement, the petition is devoid of merits and hereby dismissed.

(Irshad Hussain, J.) **(P.C. Verma, J.)**

October 13, 2003L:
NCM: